

## **MEETING #12 March 5**

At a Joint Meeting of the Madison County Board of Supervisors on March 5, 2008, at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney  
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that all members are present.

Chairman, Eddie Dean provided an overview of the final phase of tonight's meeting and stated the following cases would be discussed tonight:

Case Number SU-03-08-14, which is a request by Douglas G., Jr. or Amy L. Dodson for an indefinite special use permit to allow two (2) two family duplexes. This property is located on Route 634 near Madison and contains 5.869 acres of land, zoned Residential, R-1 and Residential, R-2. Comments were printed and read as provided by Anthony Hurlock of the Virginia Department of Transportation presented via email. The Madison Health Department has approved this request for a multi-family with a total of eight (8) bedrooms.

Bill Gimble was present on behalf of the applicants to answer any questions.

As per the request of Bob Miller, Betty Grayson, Zoning Administrator, provided a brief overview of the aforementioned request as discussed during the Madison County Planning Commission Workshop Session.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit was approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye

Bob Miller	Aye
Clark Powers	Aye

Case Number S-03-08-15, which is a request by Shirley Lynn Thompson for a plat of a subdivision of land to create one (1) lot, no residue (Tax Map 65-28F) and boundary adjustment with John W. & Jean W. Tatum (Tax Map 65-28E). These properties are located on Route 620 near Madison Mills, zoned A-1. The final plat has been approved by the Madison Health Department and the Virginia Department of Transportation.

Shirley Thompson (owner) was present to answer any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision request was approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Betty Grayson, Zoning Administrator, mentioned that a date will need to be scheduled for a Public Hearing to discuss text amendments for two (2) cases (i.e. Nicholson [antique store in Brightwood] and Cassidy [home occupation]).

A discussion was conducted on appropriate decibel levels and noise levels as deemed appropriate by surrounding Ordinances.

Chairman, Eddie Dean verbalized concerns about the language that is advertised in the Public Hearing notice and whether changes can be incorporated to that text at the public hearing or whether it would have to be advertised again.

V. R. Shackelford, III, County Attorney, stated that amendments can be incorporated at the Public Hearing provided the proposed changes are less intrusive.

Bob Miller asked what would be the context of "changes," to which V. R. Shackelford, III, County Attorney, advised could be implemented unless the substance of the issue is changed (i.e. down in horsepower, down in number of employees – not up).

In closing, V. R. Shackelford, III, County Attorney, indicated the County must advertise the Public Hearing in the manner as requested by the applicant.

Chairman, Eddie Dean advised that a previous case that was tabled by the Madison County Planning Commission during the February Joint Meeting will not be acted upon at tonight's session.

Case Number SP-12-06-68, which is a request by Richard R. or Lucy J. Hastings for a site plan to allow model home sales and display area. This property is located on Routes 231 and 643 at Etlan and contains 2.00 acres of land (recorded in 1949), zoned Conditional Business, B-1. (Variance for front setback was denied by the Madison County Board of Zoning Appeals on December 18, 2006 and July 16, 2007).

Chairman, Eddie Dean stated the above referenced case was recommended for denial by the Madison County Planning Commission at the Joint Meeting held on February 6, 2008.

Mr. Baumgardner was present on behalf of the applicants and advised that Mr. Bruce Parker completed the site plan sketch for this case which has been submitted to the Zoning Administrator; however, approval has not been attained by the Virginia Department of Transportation; therefore, he requested this matter be tabled for at least sixty (60) days in order to complete necessary procedures.

V. R. Shackelford, III, County Attorney, stated there are concerns of a procedural nature – the site plan was rejected by the Madison County Planning Commission; however, the site plan that was submitted today has an entirely different concept with regard to the applicant's request.

V. R. Shackelford, III, County Attorney, suggested the newly submitted site plan be reviewed and discussed at a future session; he also pointed out that Mr. Baumgardner knows that continuance of cases be dismissed and a resolution be attained as quickly as possible; therefore, he suggested the case be rescheduled during the April Joint Meeting.

Mr. Baumgardner stated that he has no problem with tabling the case for thirty (30) days instead of sixty (60).

Betty Grayson, Zoning Administrator, stated the sketch that was recently submitted is fine; however due to no seal being imprinted on the sketch, she does not feel the Virginia Department of Transportation will accept the sketch. She advised that she has explained the situation to Anthony Hurlock.

Mr. Baumgardner also stated there was some discussion during the last meeting about possible text amendments (i.e. special exceptions) and advised if there are any concerns, to please verbalize them so the applicant(s) can move forward.

Chairman, Eddie Dean suggested this case be resubmitted to the Madison County Planning Commission and return to the next scheduled Madison County Planning Commission Workshop session in lieu of a new site plan being submitted.

James L. Arrington asked about the significance of the new site plan.

V. R. Shackelford, III, County Attorney, explained the County was trying to find a means to assist the applicant with regard to the location of where a structure will be located on the lot; he also explained about the display area the applicant proposed and the location of parking on the lot which was previously situated along Route 231 – the newly submitted sketch shows parking along the side of the building and off the side roadway behind the building instead of along Route 231.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the Board voted to have the newly submitted site plan returned to the Madison County Planning Commission for review, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean advised Mr. Baumgardner that all necessary sketches will need to be submitted to the Virginia Department of Transportation and must contain all proper certification (i.e. seals) in order to be approved prior to copies being submitted to the Madison County Planning Commission for the Madison County Planning Commission Workshop Session scheduled for Wednesday, March 19, 2008 at 7:30 p.m.

Case Number #Z-09-07-43, which is a request by Trigon Development, LLC contract owners, of property owned by Walton C. Thompson, to rezone 78.980 acres from Conditional Residential, R-1 and Agriculture, A-1 to Conditional Residential, R-1 with proffers attached. This property is located off Route 29 Northbound Lane and off Route 722 near Madison.

Chairman, Eddie Dean advised this case was recommended for approval by the Madison County Planning Commission on January 2, 2008, but was tabled during the Madison County Board of Supervisors meeting on January 2, 2008 and also tabled by the applicant on January 14, 2008 until today, March 5, 2008.

John “Butch” Davies was present on behalf of the applicant and stated that some of the concerns verbalized by the Madison County Board of Supervisors have been addressed pertaining to some controversy regarding this case.

John “Butch” Davies provided a brief statement regarding the density of the property that is zoned R-3 and also about concerns regarding the rezoning request to Agriculture, A-1; he advised the applicant(s) have looked at a “peninsula” portion of the property and would like to consider amending the application to take the “peninsula” and leave as Agriculture, A-1 – this will take out a number of lots but will also allow the applicant(s) to do three (3) lots and a residue in the A-1 zone which might be feasible.

In closing, he stated the applicant(s) are trying to attain some middle ground to ease the concerns regarding the rezoning and also protecting the buffer. He advised the people residing in the area will also have the benefit of a lower density area rather than having a multi-family area. Therefore, he has asked for the case to be continued until the next Regular Board meeting which will allow time for the request to be amended.

Chairman, Eddie Dean asked how many lots were involved, to which John “Butch” Davies replied will be a total of 24 lots.

Bob Miller asked if the County’s Comprehensive Plan that clearly states that in order to “down zone” or to “make a zone less dense” is desirable.

John “Butch” Davies stated that he has not read any section in the County’s Comprehensive Plan that indicates anything about less density; however, he provided a brief overview of events that have occurred in the County with regard to rezoning issues in which multi-housing appears to be underway. He also asked the Board to look at proffers that were submitted in the past with regard to the portion of land being discussed and see an opportunity to protect the property values of other citizens in the area being discussed, and also make sure the County maximizes the benefit in looking at where the County desires to have specific uses in the area (being discussed).

Bob Miller stated the property has been zoned R-3 and the density of the property changed several years from 13 to 8 and that all the properties surrounding the area were built during the time in which the area being discussed was zoned R-3. However, he advised the County doesn't currently have the type of planning in place to make a decision in the area of concern.

John "Butch" Davies advised that he would perform the necessary research and report back.

James L. Arrington verbalized concerns as to whether the Board will have ample time to review all revisions in time for the next meeting.

Chairman, Eddie Dean suggested the Board schedule a Public Hearing and allow citizens the opportunity to speak on the issue as well.

Walton Thompson was present and stated he is still the owner and taxpayer of the property being discussed at tonight's meeting; he stated that he has dealt with Trigon Development, LLC and feels they are very reliable to deal with; he also advised this issue has been ongoing for about two (2) years and the only return he received from the property is about \$800.00 from an existing farmer utilizing the land for timber. Additionally, he stated he feels the Madison County Planning Commission was fair in their final judgment over this case and believes that Trigon Development has been fair in their presentation of the case as well.

In closing, Walton Thompson advised that all he has done is pay taxes on the piece of property; he also agreed that affordable housing is needed, however, the reassessment and increase in property values is what drives housing costs so high. He suggested the County utilize property for the best possible usage to where it will benefit Madison County. He stated he does not feel the request being proposed by Trigon Development, LLC is unreasonable in any manner and strongly encouraged the Madison County Board of Supervisors to reconsider approving the request as noted.

Chairman, Eddie Dean thanked Walton Thompson for verbalizing his concerns.

Bill Campbell was present and wanted to clarify the Madison County Board of Supervisors will make a decision on the case at tonight's meeting; he also

provided an overview of his interpretation of the case (i.e. feels the Board has placed requirements on the applicant and now loopholes have been found that were not realized).

Chairman, Eddie Dean advised there has been a request to table the case until a later meeting; therefore, the Board wanted to provide those in attendance with an opportunity to speak should anyone desire to do so.

Bob Miller verbalized concerns regarding Mr. Campbell's statement suggesting the Board has placed requirements on the applicant and the Board is now asking for something different than what was originally intended; he stated this is the first time the case has come before the Madison County Board of Supervisors – the Madison County Planning Commission has done their portion and have requested the Board to move forward; however, the Board has not debated the case other than what has been provided on behalf of the Madison County Planning Commission.

Chairman, Eddie Dean explained that all planning cases are a two-stage approval system – first the Madison County Planning Commission and then the Madison County Board of Supervisors.

Bob Miller also explained there has been a negotiated proffer and Trigon Development, LLC has presented different proposals for different things (i.e. proffers, site plan changes); therefore, this is the first time the Madison County Board of Supervisors has had the opportunity to deliberate on this particular case.

Chairman, Eddie Dean stated there has been a request by the applicant to table the case until the next Madison County Board of Supervisors meeting.

James L. Arrington verbalized concerns as to whether the plans will be provided to the Board in a sufficient amount of time to thoroughly review the documents and make a decision within one week.

Chairman, Eddie Dean stated from a legal standpoint, the Board has up to one year (1) to make a decision on this case; therefore, if the Board is dissatisfied on Tuesday, March 11, 2008 (i.e. recommendations as presented by the applicant), the case can be tabled; he further stated the Board will need ample time to review the documents as presented and suggested the Board accept the request to table the request until the Regular Meeting on Tuesday, March 11, 2008.

V. R. Shackelford, III, County Attorney, suggested the applicant provide a suitable time to present their case before the Board for consideration on Tuesday, March 11, 2008.

John “Butch” Davies advised that 4:00 p.m. or so would be acceptable on Tuesday, March 11, 2008.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the Board voted to continue the case until Tuesday, March 11, 2008 at 7:30 p.m. with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean stated this concludes discussion on all planning commission cases and called for a two-minute recess.

Chairman, Eddie Dean reconvened the meeting to order.

Chairman, Eddie Dean provided an overview of the recent Madison Main Street Meeting and advised the matching funds for \$350,000.00 enhancement grant will be about \$87,000.00 – the Mayor of the Town of Madison stated that he is willing to ask the Town to put up \$47,000.00 in funds and asked if a commitment could be made on behalf of the County, to which Chairman, Eddie Dean advised he indicated that “he would not” as he was unsure if he could support the County stepping forward with only \$47,000.00 being contributed toward the project; however, he advised that he would ask the fellow Board members and act accordingly.

Chairman, Eddie Dean also verbalized some of his reservations pertaining to the waterline project and advised the Town of Madison has only contributed \$50,000.00 toward the improvements and the County has invested over \$300,000.00 and he feels the County has done more than it’s fair share of a commitment (doesn’t include the amount of time spent in management of the project on behalf of Lisa Kelley, County Administrator).

James L. Arrington asked how much of the \$42,000.00 will be needed immediately.

Lisa Kelley, County Administrator, advised that until the County knows whether funding will be readily available for the local match, it isn't worth the time to make necessary arrangements to terminate the existing contract; she advised that she has been working with Larry Fanton who in turn spoke with Susan Liston in Richmond – she feels the County can work through the next phase (No-Plans Project) and can utilize the existing plans as a guide in order for everything to be constructed in accordance with guidelines as established by the Virginia Department of Transportation (i.e. sidewalks, curbing, guttering). Additionally, this can be accomplished without a new contract or the need to have Doug Meredith involved.

Chairman, Eddie Dean stated the County doesn't know if reimbursements will be received at this point as there are still some questions pertaining to the parts that have been completed as the Virginia Department of Transportation will not accept the existing project.

Clark Powers asked what issues were of particular concern to the Virginia Department of Transportation.

Chairman, Eddie Dean stated there are concerns about several items to include:

1. The handicap marked areas;
2. The mix that was used to fill the cut made in the asphalt;
3. Cracks in the concrete at Washington Street.

In closing, Chairman, Eddie Dean stated the punch list is fairly long.

Lisa Kelley, County Administrator, stated in order to wrap up the CBGD portion of funding and have the final audit completed, the last payment request submitted by LINCO, Inc. will have to be finalized within the next few days in order to close out that portion of the project. She advised there might be some difficulty in getting reimbursement for the final payment from the Department of Housing & Community Development but not from the Virginia Department of Transportation.

V. R. Shackelford, III, County Attorney, asked if this issue could be investigated before the final payment is made.

Chairman, Eddie Dean stated the County will not receive a letter of commitment until the Madison County Main Street Committee can make a positive statement regarding there being a local match.

Lisa Kelley, County Administrator, advised the County has been awarded the \$350,000.00; however, the Virginia Department of Transportation has not gotten around to sending the agreement the County will need to sign that identifies the specifics of what the local match will be on behalf of the County (i.e. for the area from the Department of Social Services to the law offices of Berry & Early).

Lisa Kelley, County Administrator, advised that depending on the bidding, the County might have enough funds to make improvement on previous areas of Main Street that were not done during the previous phase (i.e. sidewalks, curbs and gutters).

William L. Crigler asked if improvements would be made at the south end of Main Street if funding was remaining, to which Lisa Kelley, County Administrator, advised this might be possible.

James L. Arrington stated there will be a set boundary for the project and doesn't feel the County will be able to increase those boundaries.

A brief discussion took place regarding grant funding and regulations that pertain to various stages of the project.

Chairman, Eddie Dean provided details about the waterline project that was implemented in Madison County.

Chairman, Eddie Dean also advised that Lisa Kelley, County Administrator, and V. R. Shackelford, III, County Attorney, both put a lot of time in getting answers from Doug Meredith of LMW and attaining documentation from LINCO, Inc.

Chairman, Eddie Dean stated future enhancement funds will not be received by the County until some time in November and advised that a contribution could be made from next year's budget.

Chairman, Eddie Dean also advised that he has been asked to serve on a School Construction Committee; he advised that a statement was made at the recent School Board meeting that "the committee has been developed to provide support for the program within the community."

Bob Miller verbalized his concerns regarding the committee and that no additional students are being enrolled in the school system.

Bob Miller also provided a brief overview of the meeting that he and Chairman, Eddie Dean attended on the past evening and advised the committee will plan to meet every two (2) weeks for the next fourteen (14) weeks or so.

Jacqueline Eisenberg was present and commented on the discussion taking place.

Chairman, Eddie Dean stated that he commented at last night's meeting that he felt the parameters for the architects was too narrow in that they were told to create something for grades six (6) through twelve (12) and not to look at the entire school situation; however, it appears the comment was not discussed any further by the committee.

James L. Arrington stated it does not appear the Madison County School System has grown; however, the case being presented by Trigon Development, LLC has the potential to bring in over (100) additional kids which he feels will have a significant impact on student enrollment.

After much discussion, Lisa Kelley, County Administrator, suggested a joint meeting take place between the Madison County School Board members and the Madison County Board of Supervisors to work through concerns regarding the options they have presented with regard to the County's operational budget.

James L. Arrington stated it appears the Madison County School Board will set the direction for the School Construction Committee.

V. R. Shackelford, III, County Attorney, stated a joint meeting will provide the Madison County Board of Supervisors the opportunity to present concerns and ideas to the Madison County School Board as an "entire Board" and not just one (1) or two (2) members.

Chairman, Eddie Dean asked Lisa Kelley, County Administrator, to proceed and advise of a meeting date/time; he also suggested the Joint Meeting take place at the Thrift Road Office.

Lisa Kelley, County Administrator, advised that she will try to gain some insight as to about how many people might be attending.

Lisa Kelley, County Administrator, stated the Madison County School Board members have previously indicated that a meeting during the day will not be feasible for most members; she suggested with advertisement constraints, the earliest time to conduct a meeting late next week before Friday.

After discussion, the Board indicated that Wednesday, March 12, 2008 will suffice during the evening, to which Lisa Kelley, County Administrator, advised that she will move forward on.

With no further action being required by the Board, on motion of Bob Miller, seconded by James L. Arrington, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: March 6, 2008